

S. 782

Rivers package:

- ① Fact sheets - both of them --titled S. 782
- ② Personnel Security & Suitability
- ③ Section-by-Section Analysis
- ④ Bill
- ⑤ Draft ltr to Rivers from DCI
- ⑥ Draft ltr to Henderson from Rivers

~~Unsigned copy of DCI ltr to Henderson~~

Mahon package:

Fact sheets - both of them -- titled S. 782

Personnel Security & Suitability

Section-by-Section Analysis

Bill

Draft ltr to Mahon from DCI

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*Ref ref items 1, 2, 3 & 4.*

*Draft*

The Honorable L. Mendel Rivers  
Chairman, Committee on Armed Services  
House of Representatives  
Washington, D. C. 20515

My dear Mr. Chairman:

On 19 May 1970 the Senate passed and sent to the House S. 782, Senator Ervin's bill to protect civilian employees of the Executive Branch in the enjoyment of their constitutional rights, and to prevent government invasion of their privacy. The bill is now being considered in the House Post Office and Civil Service Committee and I understand may be reported out shortly. In my judgment, this bill, if enacted in its present form, will be a most serious obstacle to the effective protection of intelligence sources and methods. It would seriously weaken our efforts to prevent penetration by a hostile intelligence service, to insure that our employees are suitable for employment in this sensitive Agency, and in general make it much more difficult for the Director of Central Intelligence to discharge his responsibilities under existing law.

The Honorable George H. Mahon  
Chairman, Committee on Appropriations  
House of Representatives  
Washington, D. C. 20515

My dear Mr. Chairman:

On 19 May 1970 the Senate passed and sent to the House S. 782, Senator Ervin's bill to protect civilian employees of the Executive Branch in the enjoyment of their constitutional rights, and to prevent government invasion of their privacy. The bill is now being considered in the House Post Office and Civil Service Committee and I understand may be reported out shortly. In my judgment, this bill, if enacted in its present form, will be a most serious obstacle to the effective protection of intelligence sources and methods. It would seriously weaken our efforts to prevent penetration by a hostile intelligence service, to insure that our employees are suitable for employment in this sensitive Agency, and in general make it much more difficult for the Director of Central Intelligence to discharge his responsibilities under existing law.

The adverse impact of S. 782 on the fundamental security interests of this Agency was outlined in my letter to you of 25 September 1967 in connection with S. 1035, an earlier version of S. 782. I enclose an updated section-by-section analysis of certain provisions of S. 782.

S. 782 is an improvement over S. 1035 in several respects, but the adversary procedures which it authorizes pose the same critical problems inherent in S. 1035. The Agency must either remain silent in the face of unfounded allegations (with the alleged offending officer taking the consequences of the sanctions embodied in the bill), or it must divulge information which it is obligated by statute to protect and disclosure of which might damage the national intelligence effort.

It is therefore my considered judgment that the Central Intelligence Agency requires a complete exemption from S. 782, such as section 9 of the bill provides for the Federal Bureau of Investigation. It is also my belief that S. 782 creates serious problems for certain other components of the intelligence community, such as the National Security Agency.

I <sup>a</sup> earnestly request your consideration of the serious issues suggested by this proposed legislation.

Sincerely,

Richard Helms  
Director

*Draft*

The Honorable David N. Henderson, Chairman  
Subcommittee on Manpower and Civil Service  
Committee on Post Office and Civil Service  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Chairman:

On 18 June 1968 I wrote to you concerning S. 1035 (a bill to protect the civilian employees of the Executive Branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasion of their privacy). I want to reaffirm the statements set forth in that letter as they now apply to S. 782, which was passed by the Senate on 19 May 1970 and I understand is now being considered by your Subcommittee.

Subjecting the Central Intelligence Agency and the Director of Central Intelligence to the adversary proceedings provided for in S. 782 raises a serious question of statutory interpretation concerning possible conflict between S. 782 and the authorities and responsibilities now reposed in the Director by the provisions of law already pertaining to the CIA.

As I stated in my letter of 18 June 1968, I think there would be virtually unanimous objection by the members of the Armed Services Committee to the inclusion of the Central Intelligence Agency in this bill. Therefore, in the interest of avoiding possible acrimonious debate on the floor of the House, I strongly urge the complete exemption of the Agency from the provisions of the bill.

I would appreciate an early expression of your views on this matter.

L. Mendel Rivers  
Chairman

*Draft*

Honorable David N. Henderson, Chairman  
Subcommittee on Manpower and Civil Service  
Committee on Post Office and Civil Service  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Chairman:

I am advised that S. 782, a bill to protect the civilian employees of the Executive Branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasion of their privacy, was passed by the Senate on 19 May 1970 and is now being considered by your Subcommittee. I am concerned over the probable impact of this bill on the effectiveness with which sensitive agencies of the Government, such as the Central Intelligence Agency, carry out their important missions.

As you know, the administration of the Central Intelligence Agency is governed by the National Security Act of 1947 and the Central Intelligence Agency Act of 1949. This legislation imposes on the Director of Central Intelligence responsibility "...for protecting intelligence sources and methods from unauthorized disclosure..." and provides that "In the interests of the security of the foreign intelligence activities of the United States... the Agency shall be exempted from the provisions... of any... law which require[s] the publication or disclosure of the

organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency..."

Because of this Committee's concern for the effective operation of the CIA, I am deeply disturbed over the effects of S. 782 on that Agency. Certain of its provisions would directly conflict with the above-mentioned statutory responsibilities of the Director for protecting sources and methods and other data relating to the Agency.

The bill also contains other troublesome provisions. For example it would:

- a. Require substantial change in the Agency's established policy for ensuring the loyalty and suitability of its personnel.
- b. Grant any employee the right to insist upon counsel or outside representation whenever questioned on any matter which might conceivably lead to disciplinary action.
- c. Enable any employee or applicant, or employee organization acting in behalf of an employee or applicant, to bring civil suit in Federal court against any official allegedly guilty of violating or threatening to violate the law.



On the basis of over twenty years experience during which this Committee has closely examined the operation of the CIA, I am convinced that its present security and personnel procedures are necessary for it to succeed in its vital mission. I am also convinced that the Agency fully realizes that these procedures must be carried out with utmost regard for the personal dignity and privacy of its employees, if it is to receive in return the high level of personal discipline it demands of its employees. I therefore am strongly of the opinion that the Agency should be completely exempted from the provisions of S. 782.

I would much appreciate hearing your views on this matter, and because of the importance I attach to it will be happy to discuss it with you in more detail if you wish.

George H. Mahon  
Chairman

PACKETS SENT ON S. 782  
Approved For Release 2005/06/06 : CIA-RDP72-00337R000400040006-5

1. LLM to Theodore J. Kazy, Senior Staff Assistant, House Post Office and Civil Service Committee - 6/23/70.  
copys of: Henderson letter, Section-by-Section Analysis, CIA Personnel Security and Suitability, and two S. 782 one-page briefs.

2. LLM to Karl Lemp - 6/23/70.  
copys of: Section-by-Section Analysis, CIA Personnel Security And Suitability, and two S. 782 one-page briefs.